

Ordinance No. 22-07

ORDINANCE: To amend Chapter 21 of the Rockville City Code entitled “Streets and Public Improvements,” Sections 21-27, 21-41 and 21-42 to clarify, restate and reaffirm that the provisions in these sections only apply to roads and properties that lie within the corporate limits of the City and that no person or entity shall have any right or entitlement to connect any County road or private road located outside the corporate limits of the City to a City road or complete an intersection to any City road

WHEREAS, pursuant to its Charter and Article 23A, Section 2 (express powers), the City of Rockville has enacted Chapter 21 entitled “Streets and Public Improvements,” to apply to all roads within the corporate limits of the City; and

WHEREAS, recently Fortune Parc Development Partners, LLC initiated litigation in the Circuit Court for Montgomery County, Maryland entitled “Fortune Parc Development Partners, LLC v. The Mayor and Council for the City of Rockville”, Civil Action No. 280497, seeking to construct a connection from Park Potomac Avenue, a public street in Montgomery County, Maryland with Fortune Terrace, a public street located within the corporate limits of the City of Rockville; and

WHEREAS, Section 21-17 of the Rockville City Code clearly states that Chapter 21 applies to “to all roads within the corporate limits of the City” other than state roads, federal roads, and certain private roads; and

WHEREAS, notwithstanding the fact that Chapter 21 applies to all roads within the corporate limits of the City, other than certain state, federal and private roads, Fortune Parc Development Partners, LLC has maintained and asserted that they have a right to be permitted to connect Park Potomac Avenue, a public street outside of the corporate limits of the City, with Fortune Terrace, a public street located within the corporate limits of the City of Rockville; and

WHEREAS, in order to reaffirm the meaning, intent and purpose of certain provisions of Chapter 21, the City hereby enacts these amendments to Sections 21-27, 21-41 and 21-42 to restate that these provisions only apply to roads within the corporate limits of the City and to property owners whose property lies within the corporate limits of the City and that no property owner or property outside the corporate limits of the City has any right or entitlement to connect to or join with a City public street.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, that Chapter 21 of the Rockville City Code entitled “Streets and Public Improvements” is hereby amended as follows:

SECTION 1. That Division 1, “Generally,” Section 21-27 entitled “Roads to connect with other roads or end in cul-de-sac” be amended to read as follows:

CHAPTER 21. STREETS AND PUBLIC IMPROVEMENTS

Division 1. Generally

* * *

Sec. 21-27. Roads to connect with other roads or end in cul-de-sac.

(a) No road in the corporate limits of the City shall be constructed unless it connects or joins with an existing street in the corporate limits of the City at each end of the road, or ends in a cul-de-sac.

(b) Subsection (a) may be waived pursuant to the procedures set forth in section 21-20.

(c) Where any road construction in the corporate limits of the City ends at an intersection of an existing or dedicated road in the corporate limits of the City, the intersection shall be completed. If there are no such existing or dedicated roads in the corporate limits of the City, then a temporary turnaround or backaround shall be provided.

(d) Notwithstanding any provisions to the contrary, no person or entity shall have any right or entitlement to connect any County road or private road located outside the corporate limits of the City to a City road or complete an intersection to any City road.

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SECTION 2. That Division 2 entitled “Permits”, Sections 21-41 entitled “Required” and 21-42 entitled “Permit and inspection fees,” be amended to read as follows:

Division 2. Permits

Sec. 21-41. Required.

(a) No person whose property lies in the corporate limits of the City, shall construct, connect to, install, plant or begin to construct, connect to, install or plant any road sidewalk, curb, gutter, drainage structure, driveway apron or entrance, retaining

wall, steps, sanitary sewer, water mains or laterals, trees, foliage in the corporate limits of the City, or grade, sod, seed, excavate, drill, or otherwise perform any type of construction, connection, or installation of either a permanent or temporary nature within a City public right-of-way or easement in the corporate limits of the City without first applying for and obtaining a permit therefor from the City.

(b) * * *

Sec. 21-42. Permit and inspection fees.

(a) Where an abutting property owner, whose property lies in the corporate limits of the City, applies for such a permit under subsection (a) of section 21-41 to do any such work at his own expense on City public property abutting a house in which he resides, the City, upon issuance of a permit shall make no charge therefor.

(b) * * *

(c) * * *

(d) * * *

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NOTE: [Brackets] indicate material deleted
Underlining indicates material added
Asterisks * * * indicate material unchanged by this ordinance.

I hereby certify that the foregoing is a true and correct ordinance adopted by the Mayor and Council at its meeting of September 24, 2007.

Claire F. Funkhouser, City Clerk